

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

STEPHEN KIRBY, an individual,

Petitioner,

vs.

CITY OF SAN MATEO, by and through the  
CITY COUNCIL OF THE CITY OF SAN  
MATEO; MATT FABRY, an individual, in  
his capacity as the Director of the Public  
Works Department of the City of San Mateo;  
and the SUSTAINABILITY &  
INFRASTRUCTURE COMMISSION OF  
THE CITY OF SAN MATEO,

Respondents,

CROWN CASTLE FIBER LLC, a New York  
limited liability company; and VERIZON  
WIRELESS,

Real Parties in Interest.

Case No. 3:25-cv-06165-JD

**[PROPOSED] ORDER DENYING  
PETITIONER'S NOTICE AND MOTION  
FOR REMAND**

Hearing Date: October, 2025

Time: 10:00 a.m.

Judge: Hon. James Donato

Ctrm: Courtroom 11, 19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Complaint Filed: June 20, 2025

Trial: TBD

**[PROPOSED] ORDER**

Upon Defendants/Real Parties in Interest Crown Castle Fiber LLC (“Crown Castle”) and GTE Mobilnet of California Limited Partnership d/b/a Verizon Wireless (“Verizon”) and Defendant/Respondent City of San Mateo (the “City”) (collectively, “Defendants”) Opposition to Petitioner Stephen Kirby’s (“Petitioner”) Notice and Motion for Remand (Dkt. # 26), and upon review of the papers submitted and oral argument presented by counsel, and good cause appearing, it is hereby **ORDERED THAT:**

Petitioner’s Motion for Remand is **DENIED**.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. JAMES DONATO  
DISTRICT COURT JUDGE